

MEMORANDUM

Agenda Item No. 11(A)(6)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 18, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor, on an expedited basis, to perform all due diligence necessary to determine whether any obstacles or impediments exist to the conveyance of properties located at SW 190th Street and SW 108th Avenue, Miami-Dade County, Folio Nos. 30-6005-060-0060 and 30-6006-029-0010, to SG Cutler Bay, LLC, for the development and use as a Costco facility, in accordance with section 125.045, Florida Statutes, to expeditiously attempt to resolve any issues, to negotiate and finalize the terms of the conveyance with the developer, to provide status report in 30 days, and to place such conveyance on this Board's agenda for consideration or to provide additional report within 60 days; and waiving certain provisions of Implementing Order No. 8-4

Resolution No. R-378-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 18, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(6)
4-18-23

RESOLUTION NO. R-378-23

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, ON AN EXPEDITED BASIS, TO PERFORM ALL DUE DILIGENCE NECESSARY TO DETERMINE WHETHER ANY OBSTACLES OR IMPEDIMENTS EXIST TO THE CONVEYANCE OF PROPERTIES LOCATED AT SW 190TH STREET AND SW 108TH AVENUE, MIAMI-DADE COUNTY, FOLIO NOS. 30-6005-060-0060 AND 30-6006-029-0010, TO SG CUTLER BAY, LLC, FOR THE DEVELOPMENT AND USE AS A COSTCO FACILITY, IN ACCORDANCE WITH SECTION 125.045, FLORIDA STATUTES, TO EXPEDITIOUSLY ATTEMPT TO RESOLVE ANY ISSUES, TO NEGOTIATE AND FINALIZE THE TERMS OF THE CONVEYANCE WITH THE DEVELOPER, TO PROVIDE STATUS REPORT IN 30 DAYS, AND TO PLACE SUCH CONVEYANCE ON THIS BOARD'S AGENDA FOR CONSIDERATION OR TO PROVIDE ADDITIONAL REPORT WITHIN 60 DAYS; AND WAIVING CERTAIN PROVISIONS OF IMPLEMENTING ORDER NO. 8-4

WHEREAS, the County owns two parcels of land including 17.32 acres located in Commission District 9 at SW 190th Street and SW 108th Avenue, identified by Folio Nos. 30-6006-060-0060 and 30-6006-029-0010 (collectively the "properties"); and

WHEREAS, the properties were acquired by the County in 2003, pursuant to Resolution No. R-744-03, and are currently vacant and under the custodianship of the Miami-Dade Water and Sewer Department ("WASD"); and

WHEREAS, the properties are further described in Composite Exhibit "A," attached hereto and incorporated herein; and

WHEREAS, SG Cutler Bay, LLC (the "developer") has requested that the County convey the properties for the development and use as a Costco facility to promote economic development, attract business, and create jobs for County residents; and

WHEREAS, the properties may be suitable for the construction and development of a Costco facility; and

WHEREAS, administration has commenced the appraisal process in order to determine the market value of the properties; and

WHEREAS, this Board wishes to direct the County Mayor or County Mayor's designee to perform all necessary due diligence on an expedited basis, including but not limited to completion of appraisals of the properties, and to determine whether any obstacles or impediments exist to the conveyance of the properties to the developer, including but not limited to title work, responsible entity analysis, and a review of restrictions contained in deeds, restrictive covenants, or other contracts that would preclude the conveyance, or that would result in significant financial impact to the County, and including review to ensure such conveyance is consistent with all bond restrictions; and

WHEREAS, to address the critical need for economic development in District 9, which would benefit the residents of Miami-Dade County, this Board desires to convey the properties to the developer for the development and operation of a Costco facility, provided that no obstacles or impediments exist, and after due diligence, circulation to all County departments, and completion of appraisals to determine an appropriate purchase price; and

WHEREAS, this Board desires the developer to expeditiously provide to the administration all information required to analyze the economic impact of the proposed economic development conveyance; and

WHEREAS, if any obstacles or impediments exist, this Board directs the administration to expedite all necessary steps to resolve same in order to effectuate the conveyance, including, if WASD requires or anticipates use of all or a portion of the properties for infrastructure, identification of a comparable substitute property or properties in accordance with Resolution No. R-1121-21; and

WHEREAS, to effectuate conveyance of the properties, this Board desires to expedite the timeframes and procedures set forth in Implementing Order No. 8-4, and to complete the circulation, due diligence, appraisals, economic impact analysis, and finalization of proposed terms within 60 days from the effective date of this resolution, or if no agreement is reached by such date, to provide a report to this Board,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board directs the County Mayor or County Mayor's designee to perform all necessary review and due diligence on an expedited basis to confirm that there are no obstacles or impediments to the conveyance of the properties to the developer, including but not limited to circulation of the properties to all County departments, responsible entity review including obtaining disclosure of all ownership interests, and completion of appraisals, and to analyze the economic impact of the proposed development after procuring and reviewing the information necessary to assess same from the developer.

Section 3. To the extent that any obstacles or impediments are identified, or if the developer does not provide the requested and necessary information, the County Mayor or County Mayor's designee is further directed to expedite all necessary steps to resolve such issues in order to effectuate the conveyance, including, if applicable, identification of comparable property or

properties, pursuant to Resolution No. R-1121-21 if WASD requires or anticipates use of all or a portion of the properties for infrastructure, and thereafter, to negotiate and finalize all necessary documents to effectuate the conveyance of the properties to the developer for a fair purchase price.

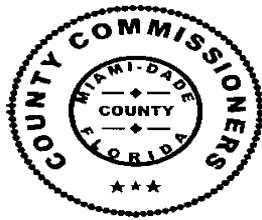
Section 4. This Board waives the provisions of Implementing Order No. 8-4 to expedite this conveyance, except the provisions of Implementing Order No. 8-4 requiring circulation, due diligence, responsibility entity analysis, appraisals, and the inclusion of applicable lease and deed requirements and restrictions as set forth in subsections (i) through (xi) of such Implementation Order.

Section 5. The County Mayor or County Mayor's designee is directed to: (1) within 30 days of the effective date of this resolution provide a status report to this Board; and (2) within 60 days of the effective date of this resolution place the proposed conveyance on an agenda of this Board, or if no agreement is reached by such date, provide a second report to this Board which shall at a minimum: (i) identify any obstacles or impediments which were identified that prevent or affect the conveyance of the properties to the developer, including, if applicable, any information which was not provided by the developer in order to complete the conveyance; (ii) identify methods by which any identified obstacles or impediments can be eliminated, including any cost of same; and (iii) propose any recommended terms or restrictions for inclusion in the deed and other conveyance documents. The reports identified above shall be placed on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Commissioner Kionne L McGhee. It was offered by Commissioner **Kionne L. McGhee**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	nay
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of April, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

LUIS G. MONTALDO, CLERK, AD INTERIM

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman



COMPOSITE EXHIBIT "A"

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 4/11/2023

Property Information	
Folio:	30-6005-060-0060
Property Address:	
Owner	MIAMI-DADE COUNTY WATER AND SEWER
Mailing Address	3071 SW 38 AVE MIAMI, FL 33146-1520
PA Primary Zone	7100 INDUSTRIAL - LIGHT MFG
Primary Land Use	8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	523,225 Sq.Ft
Year Built	0



Assessment Information			
Year	2022	2021	2020
Land Value	\$5,232,250	\$5,232,250	\$5,232,250
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$5,232,250	\$5,232,250	\$5,232,250
Assessed Value	\$5,232,250	\$5,232,250	\$5,064,818

Benefits Information				
Benefit	Type	2022	2021	2020
Non-Homestead Cap	Assessment Reduction			\$167,432
County	Exemption	\$5,232,250	\$5,232,250	\$5,064,818
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
LENNAR INDUSTRIAL CENTER SEC 1 PB 115-16 LOTS 6 & 7 BLK 1 LOT SIZE 523225 SQ FT OR 21526-1394 0803 3	

Taxable Value Information			
	2022	2021	2020
County			
Exemption Value	\$5,232,250	\$5,232,250	\$5,064,818
Taxable Value	\$0	\$0	\$0
School Board			
Exemption Value	\$5,232,250	\$5,232,250	\$5,232,250
Taxable Value	\$0	\$0	\$0
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$5,232,250	\$5,232,250	\$5,064,818
Taxable Value	\$0	\$0	\$0

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

MDC008

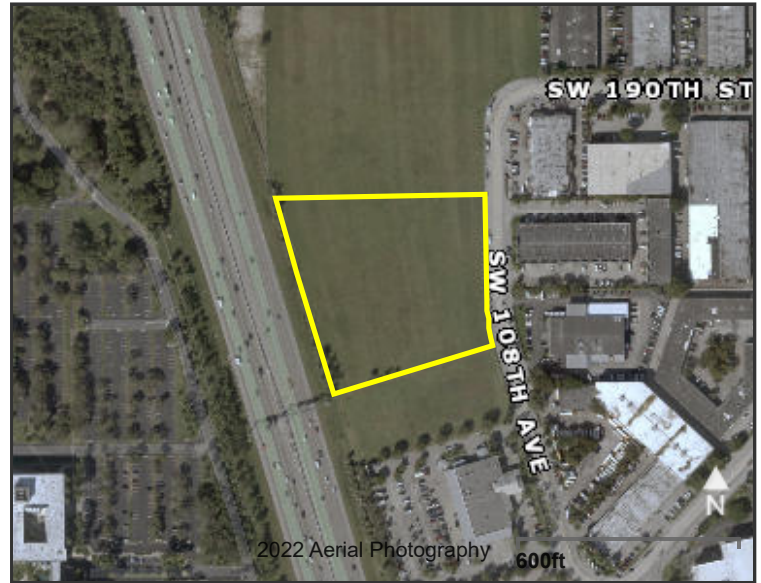


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 4/11/2023

Property Information	
Folio:	30-6006-029-0010
Property Address:	
Owner	MIAMI-DADE COUNTY WATER AND SEWER
Mailing Address	3071 SW 38 AVE MIAMI, FL 33146-1520
PA Primary Zone	7100 INDUSTRIAL - LIGHT MFG
Primary Land Use	8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	231,282 Sq.Ft
Year Built	0



Assessment Information			
Year	2022	2021	2020
Land Value	\$2,312,820	\$2,312,820	\$2,312,820
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$2,312,820	\$2,312,820	\$2,312,820
Assessed Value	\$2,312,820	\$2,312,820	\$2,312,820

Benefits Information				
Benefit	Type	2022	2021	2020
County	Exemption	\$2,312,820	\$2,312,820	\$2,312,820

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description	
LENNAR IND CTR SEC 2 PB 117-78 LOTS 8 & 9 BLK 1 LOT SIZE 231282 SQ FT OR 21526-1394 0803 3	

Taxable Value Information			
	2022	2021	2020
County			
Exemption Value	\$2,312,820	\$2,312,820	\$2,312,820
Taxable Value	\$0	\$0	\$0
School Board			
Exemption Value	\$2,312,820	\$2,312,820	\$2,312,820
Taxable Value	\$0	\$0	\$0
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$2,312,820	\$2,312,820	\$2,312,820
Taxable Value	\$0	\$0	\$0

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description

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